

United States District Court

EASTERN DISTRICT OF NORTH CAROLINA

DANIEL PETERSON,
Plaintiff and Counter-Defendant,

v.

INTERNATIONAL PAPER COMPANY, et al.,
Defendants.

v.

INTERNATIONAL PAPER COMPANY LONG
TERM DISABILITY PLAN, et al.,
Counter-Plaintiffs,

v.

DANIEL PETERSON,
Counter-Defendant.

JUDGMENT IN A CIVIL CASE
CASE NO. 7:06-CV-48-F

Decision by Court.

IT IS ORDERED AND ADJUDGED that pursuant to the court's order dated October 20, 2009, that it DENIES the motions for summary judgment by Plaintiff Daniel Peterson and ALLOWS the motion for summary judgment by Defendants. Wausau Benefits, Inc., is hereby DISMISSED from this action, and Peterson's claims for benefits under the International Paper Company's Long-Term Disability Plan are hereby DISMISSED. The court ALLOWS Defendants' counterclaim for recovery of overpayment amounts.

ACCORDINGLY, it is ORDERED that the Clerk of Court shall enter Judgment herein as follows: Plaintiff Peterson's Motion for Summary Judgment is DENIED. The Defendants' Motion for Summary Judgment is ALLOWED. Wausau Benefits, Inc. is DISMISSED from this action and Peterson's claims for benefits under the International Paper Company's Long-Term Disability Plan are DISMISSED. The Defendants' counterclaim for recovery of overpayment amounts is ALLOWED in the principal sum of \$51,118.75.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **December 1, 2009**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

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December 1, 2009
Date

Wilmington, North Carolina

DENNIS P. IAVARONE
Clerk of Court

/s/ Susan K. Edwards
(By) Deputy Clerk